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[Revising Boren]Cuts]

H.L.C.

**AMENDMENT OFFERED BY MR. BLILEY
TO THE MEDICAID RECONCILIATION PROVISIONS**

(Page & line nos. refer to Committee Print of 6/11/97,
MEDICAID.007)

Page 9, after line 35, insert the following:

1 **SEC. 3412. FLEXIBILITY IN PAYMENT METHODS FOR HOS-**
2 **PITAL, NURSING FACILITY, AND ICF/MR SERV-**
3 **ICES; FLEXIBILITY FOR HOME HEALTH.**

4 (a) **REPEAL OF BOREN REQUIREMENTS.**—Section
5 1902(a)(13) (42 U.S.C. 1396a(a)) is amended—

6 (1) by amending subparagraphs (A) and (B) to
7 read as follows:

8 “(A) for a public process for determination
9 of rates of payment under the plan for hospital
10 services, nursing facility services, and services
11 of intermediate care facilities for the mentally
12 retarded under which—

13 “(i) proposed rates are published, and
14 providers, beneficiaries and their represent-
15 atives, and other concerned State residents
16 are given a reasonable opportunity for re-
17 view and comment on the proposed rates;

18 “(ii) final rates are published, to-
19 gether with justifications, and

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1 “(iii) in the case of hospitals, take
2 into account (in a manner consistent with
3 section 1923) the situation of hospitals
4 which serve a disproportionate number of
5 low income patients with special needs;

6 “(B) that the State shall provide assur-
7 ances satisfactory to the Secretary that the av-
8 erage level of payments under the plan for
9 nursing facility services (as determined on an
10 aggregate per resident-day basis) and the level
11 of payments under the plan for inpatient hos-
12 pital services (as determined on an aggregate
13 hospital payment basis) furnished during the
14 18-month period beginning October 1, 1997, is
15 not less than the average level of payments that
16 would be made under the plan during such 18-
17 month period for such respective services (de-
18 termined on such basis) based on rates or pay-
19 ment basis in effect as of May 1, 1997;” and
20 (2) by striking subparagraph (C).

21 (b) REPEAL OF REQUIREMENTS RELATING TO HOME
22 HEALTH SERVICES.—Such section is further amended—

23 (1) by adding “and” at the end of subpara-
24 graph (D),

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1 (2) by striking "and" at the end of subpara-
2 graph (E), and

3 (3) by striking subparagraph (F).

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to payment for items and services
6 furnished on or after the date of the enactment of this
7 Act.